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1. *Section 1 directs the Department to regularly report to the board on the status of wild rainbow trout stocks and fisheries.* **Line 215**
2. *Section 2 directs the board to review existing or proposed management plans based on this policy.* **Line 236**
3. *Sections 3 and 4 direct the board to develop action plans for stocks with conservation, population, or benefit concerns.* **Line 252**
4. *Section 5 directs the board to develop a research plan within each action plan.* **Line 280**
5. *Section 5 directs the board to coordinate with other authorities as necessary.* **Line 284**

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5 AAC 75.XXX. POLICY FOR THE MANAGEMENT OF SUSTAINABLE WILD RAINBOW TROUT FISHERIES

Section (a): Recognition Statement and Guiding Principles

(a) The Board of Fisheries (board) and Department of Fish and Game (department) recognize that:

(1) while, in the aggregate, Alaska's wild rainbow trout fisheries are healthy and sustainable largely because of abundant pristine habitat and the application of sound, precautionary, conservation management practices, there is a need for a comprehensive policy for the regulation and management of wild rainbow trout fisheries to assure for their sustainability;

(2) in formulating fishery management plans designed to achieve optimum benefits from Alaska's wild rainbow trout, the board and department must consider factors including environmental change, habitat loss or degradation, data uncertainty, limited funding for research and management programs, *existing regulation regimes*, and new fisheries or expanding fisheries;

(3) to effectively assure optimum sustained benefits and habitat protection for wild rainbow trout stocks, fishery management plans and programs require specific guiding principles and criteria, and the framework for their application contained in this policy.

Section (b): Management philosophy

(b) The goal of the policy under this section is to ensure conservation and optimum sustained yield and benefits of wild rainbow trout *and their attendant ecosystems*, protection of traditional harvest and other uses, and the sustained economic health of Alaska's fishing communities.

Section (c): Management principles and criteria

(c) Management of wild rainbow trout fisheries should be based on the following principles and criteria:

(1) wild rainbow trout stocks and their habitats should be maintained at levels of resource productivity that assure for their optimum sustained benefits as follows:

(A) wild rainbow trout spawning, rearing, and migratory habitats should be protected as follows:

(i) wild rainbow trout habitats should not be perturbed beyond natural boundaries of variation;

(ii) scientific assessments of possible adverse ecological effects of proposed habitat alterations and the impacts of the alterations on wild rainbow trout stocks should be conducted before approval of a *regulatory* proposal;

(iii) adverse environmental impacts on wild rainbow trout stocks and their habitats should be assessed;

(iv) all essential wild rainbow trout habitat in marine, estuarine, and freshwater ecosystems and access of wild rainbow trout to these habitats should be protected; essential habitats include spawning and incubation areas, freshwater *feeding and over-wintering* areas, estuarine and nearshore rearing areas, offshore rearing areas, and migratory pathways;

(v) wild rainbow trout habitat in fresh water should be protected on a watershed basis, including appropriate management of riparian zones, water quality, and water quantity (instream flows);

(B) wild rainbow trout stocks should be protected within their spawning, incubating, rearing, and migratory habitats;

(C) degraded wild rainbow trout productivity resulting from habitat loss should be assessed, considered, and controlled by affected user groups, regulatory agencies, and boards when making conservation and allocation decisions;

(D) effects and interactions of introduced or enhanced species or stocks on wild rainbow trout stocks should be assessed; wild rainbow trout stocks and fisheries on those stocks should be protected from adverse impacts from artificial propagation and enhancement efforts;

(E) degraded wild rainbow trout spawning, incubating, rearing, and migratory habitats should be restored to natural levels of productivity where known and desirable;

(F) ongoing monitoring should be conducted to determine the current status of habitat and the effectiveness of restoration activities;

(G) depleted wild rainbow trout stocks should be allowed to recover or, where appropriate, should be actively restored; diversity should be maintained to the maximum extent possible, at the genetic, population, species, and ecosystem levels;

(2) wild rainbow trout populations shall be managed for their optimal sustained yield and benefits as follows:

(A) wild rainbow trout fisheries should be assessed both temporally and geographically; fishery monitoring programs should be appropriate to the scale, intensity, and importance of each wild rainbow trout stock's use;

(B) wild rainbow trout populations shall be managed in a manner consistent with their optimal sustained benefits; unless otherwise directed, the department will manage Alaska's wild rainbow trout fisheries, to the extent possible, to maintain desired size compositions and at stock levels sufficient such that stocking is not needed to enhance or supplement the wild population;

(C) wild rainbow trout management should allow for uncertainty associated with measurement and assessment techniques, observed variability in the wild rainbow trout stock measured, changes in climatic, aquatic and oceanographic conditions, and varying abundance within related populations of the wild rainbow trout stock measured;

(D) wild rainbow trout should be managed in a manner to maintain genetic and phenotypic characteristics of the stock by assuring appropriate geographic and temporal distribution of spawners as well as consideration of size range, sex ratio, and other population attributes;

(E) impacts of fishing, including incidental mortality, should be assessed and considered in harvest management decisions;

(F) wild rainbow trout harvest management decisions should be made in a manner that protects non-target stocks or species;

(G) the role of wild rainbow trout in ecosystem functioning should be evaluated and considered in harvest management decisions and setting of wild rainbow trout management strategies;

(H) wild rainbow trout abundance trends should be monitored and considered in harvest management decisions;

(I) food sources important to wild rainbow trout populations should be identified where feasible and incorporated into management decisions.

(3) effective management systems should be established and applied to regulate human activities that affect wild rainbow trout as follows:

(A) wild rainbow trout management objectives should be appropriate to the scale and intensity of various uses and the biological capacities of target wild rainbow trout stocks;

(B) management agencies should have clear authority in statute and regulation to:

(i) when practicable, control all sources of fishing mortality on wild rainbow trout;

(ii) protect wild rainbow trout habitats and control non-fishing sources of mortality;

(C) management programs should be effective in:

(i) controlling human-induced sources of fishing mortality and should incorporate procedures to assure effective monitoring, compliance, control, and enforcement;

(ii) protecting wild rainbow trout habitats and controlling collateral mortality and should incorporate procedures to assure effective monitoring, compliance, control, and enforcement;

(D) fisheries management implementation and outcomes should be consistent with regulations, regulations should be consistent with statutes, and effectively carry out the purpose of this section;

(E) the board will recommend to the commissioner the development of effective joint research, assessment, and management arrangements with appropriate management agencies and bodies for wild rainbow trout stocks

that cross state, federal, or international jurisdictional boundaries; the board will recommend the coordination of appropriate procedures for effective monitoring, compliance, control, and enforcement with those of other agencies, states, or nations;

(F) the board will work, within the limits of its authority, to assure that:

(i) management activities are accomplished in a timely and responsive manner to implement objectives, based on the best available scientific information;

(ii) effective mechanisms for the collection and dissemination of information and data necessary to carry out management activities are developed, maintained, and utilized;

(iii) management programs and decision-making procedures are able to clearly distinguish, and effectively deal with, biological and allocation issues;

(G) the board will recommend to the commissioner and legislature that adequate staff and budget for research, management, enforcement activities, and support of Advisory Committees be available to fully implement sustainable wild rainbow trout fisheries principles;

(H) the board will consider, and where appropriate adopt, options to maintain diversity of experience in wild rainbow trout fisheries.

(I) the board will adopt gear regulations that assure for minimal levels of injury and mortality to wild rainbow trout.

(J) the board will work with the commissioner and other agencies to develop effective processes for maintaining benefits and diversity;

(K) procedures should be implemented to regularly evaluate the effectiveness of fishery management and habitat protection actions in sustaining wild rainbow trout populations, fisheries, and habitat, and to resolve associated problems or deficiencies;

(L) conservation and management decisions for wild rainbow trout fisheries should take into account the best available information on biological, environmental, economic, social, and resource use factors;

(M) research and data collection should be undertaken to improve scientific and technical knowledge of wild rainbow trout fisheries, including ecosystem interactions, status of wild rainbow trout populations, and the condition of wild rainbow trout habitats;

(N) the best available scientific information on the status of wild rainbow trout populations and the condition of the wild rainbow trout's habitats should be routinely updated and subject to peer review;

(4) public support and involvement for sustained use and protection of wild rainbow trout resources should be sought and encouraged as follows:

(A) effective mechanisms for dispute resolution should be developed and used;

(B) pertinent information and decisions should be effectively disseminated to Advisory Committees and all other interested parties in a timely manner;

(C) the board's regulatory management and allocation decisions will be made in an open process with Advisory Committee and public involvement;

(D) an understanding of the proportion of mortality inflicted on each wild rainbow trout stock by each user group, should be conveyed, and the burden of conservation should be allocated across user groups in a manner

consistent with applicable state and federal statutes, including AS 16.05.251 (e) and AS 16.05.258 ; in the absence of a regulatory management plan that otherwise allocates or restricts harvests, and when it is necessary to restrict fisheries on wild rainbow trout stocks where there are known conservation problems, the burden of conservation shall be shared among all fisheries in close proportion to each fisheries' respective use, consistent with state and federal law;

(E) the board will work with the commissioner, other agencies, Advisory Committees, and Legislature as necessary to assure that adequately funded public information and education programs provide timely materials on wild rainbow trout conservation, including habitat requirements, threats to wild rainbow trout habitat, the value of wild rainbow trout and habitat to the public and ecosystem (fish and wildlife), natural variability and population dynamics, the status of wild rainbow trout stocks and fisheries, and the regulatory process;

(5) in the face of uncertainty, wild rainbow trout stocks, fisheries, and essential habitats shall be managed conservatively as follows:

(A) a precautionary approach, involving the application of prudent foresight that takes into account the uncertainties in wild rainbow trout fisheries and habitat management; the biological, social, cultural, and economic risks; and, the need to take action with incomplete knowledge, should be applied to the regulation and control of harvest and other human-induced sources of wild rainbow trout mortality; a precautionary approach requires:

(i) consideration of the needs of future generations and avoidance of potentially irreversible changes;

(ii) prior identification of undesirable outcomes and of measures that will avoid undesirable outcomes or correct them promptly;

(iii) initiation of any necessary corrective measure without delay and prompt achievement of the measure's purpose, on a time scale not exceeding six years, which is approximately the generation time of most wild rainbow trout stocks;

(iv) that where the impact of resource use is uncertain, but more likely than not presents a measurable risk to sustained yield, priority should be given to conserving the productive capacity of the resource;

(v) appropriate placement of the burden of proof, of adherence to the requirements of this subparagraph, on those plans or ongoing activities that pose a risk or hazard to wild rainbow trout habitat or production;

(B) a precautionary approach should be applied to the regulation of activities that affect essential wild rainbow trout habitat.

Section (d): Management principles and criteria application

(d) The principles and criteria for wild rainbow trout fisheries shall be applied, by the department and the board, using the best available information, as follows:

(1) at regular meetings of the board, the department will, to the extent practicable, provide the board with reports on the status of wild rainbow trout stocks and fisheries under consideration for regulatory changes, which should include:

(A) a stock-by-stock assessment of the extent to which the management of wild rainbow trout stocks and fisheries is consistent with the principles and criteria contained in the policy under this section;

(B) descriptions of habitat status and any habitat concerns;

(C) identification of healthy wild rainbow trout stocks and sustainable wild rainbow trout fisheries; and,

(D) identification of any existing wild rainbow trout management actions needed to achieve these goals, that may have allocative consequences such as the:

(i) identification of a new fishery or expanding fishery;

(ii) identification of any wild rainbow trout stocks, or populations within stocks, that present a concern related to conservation, population, or benefit; and

(iii) description of management and research options to address wild rainbow trout stock or habitat concerns;

(E) Food sources important to wild rainbow trout populations should be identified where feasible and incorporated into management decisions.

(2) in response to the department's wild rainbow trout stock status reports, reports from other resource agencies, and public input, the board will review the management plan, or consider developing a management plan, for each affected wild rainbow trout fishery or stock; management plans will be based on the principles and criteria contained in this policy and will:

(A) contain goals and measurable and implementable objectives that are reviewed on a regular basis and utilize the best available scientific information;

(B) minimize, as practicable, the adverse effects on wild rainbow trout habitat caused by fishing;

(C) protect, restore, and promote the long-term health and sustainability of the wild rainbow trout fishery and habitat;

(D) prevent overfishing; and

(E) provide conservation and management measures that are necessary and appropriate to promote optimum sustained benefits of the fishery resource;

(3) in the course of review of the wild rainbow trout stock status reports and management plans described in (1) and (2) of this subsection, the board, in consultation with the department, will determine if any new fisheries or expanding fisheries, conservation concerns, population concerns, or benefit concerns exist; if so, the board will, as appropriate, amend or develop wild rainbow trout fishery management plans to address these concerns; the extent of regulatory action, if any, should be commensurate with the level of concerns and range from milder to stronger as concerns range from new and expanding wild rainbow trout fisheries through conservation, population, and benefit concerns,

(4) in association with the appropriate management plan, the department and the board will, as appropriate, collaborate in the development and periodic review of an action plan for any new or expanding wild rainbow trout fisheries, or stocks of concern; action plans should contain goals, measurable and implementable objectives, and provisions, including:

(A) measures required to restore and protect wild rainbow trout habitat, including necessary coordination with other agencies, Advisory Committees, and organizations;

(B) identification of wild rainbow trout stock or population rebuilding goals and objectives;

(C) fishery management actions needed to achieve rebuilding goals and objectives, in proportion to each fishery's use of, and hazards posed to, a wild rainbow trout stock;

(D) descriptions of new or expanding wild rainbow trout fisheries and conservation, population, or benefit concerns; and

(E) performance measures appropriate for monitoring and gauging the effectiveness of the action plan that are derived from the principles and criteria contained in this policy;

(5) each action plan will include a research plan as necessary to provide information to address concerns; research needs and priorities will be evaluated periodically, based on the effectiveness of the monitoring described in (4) of this subsection;

(6) where actions needed to regulate human activities that affect wild rainbow trout and wild rainbow trout's habitat that are outside the authority of the department or the board, the department or board shall correspond with the relevant authority, including the governor, relevant boards and commissions, commissioners, and chairs of appropriate legislative committees, to describe the issue and recommend appropriate action.

Section (e): Standard disclaimer

(e) Nothing in the policy under this section is intended to expand, reduce, or be inconsistent with, the statutory regulatory authority of the board, the department, or other state agencies with regulatory authority that impacts the fishery resources of the state.

Section (f): Definitions

(f) In this section, and in implementing this policy,

(1) "allocation" means the granting of specific harvest privileges, usually by regulation, among or between various user groups; "allocation" includes quotas, time periods, area restrictions, percentage sharing of stocks, and other management measures providing or limiting harvest opportunity;

(2) "allocation criteria" means the factors set out in AS 16.05.251 (e) considered by the board as appropriate to particular allocation decisions under 5 AAC 39.205, 5 AAC 75.017, and 5 AAC 77.007;

(4) "burden of conservation" means the restrictions imposed by the board or department upon various users in order to achieve management benefits, rebuild, or in some other way conserve a specific wild rainbow trout stock or group of stocks; this burden, in the absence of a wild rainbow trout fishery management plan, will be generally applied to users in close proportion to the users' respective harvest of the wild rainbow trout stock;

(5) "depleted wild rainbow trout stock" means a wild rainbow trout stock for which there is a conservation concern;

(6) "diversity", in a biological context, means the range of variation exhibited within any level of organization, such as among genotypes within a wild rainbow trout population, among populations within a wild rainbow trout stock, among wild rainbow trout stocks within a species, among wild rainbow trout species within a community, or among communities within an ecosystem;

(7) "escapement" means the annual estimated size of the spawning wild rainbow trout stock; quality of the escapement may be determined not only by numbers of spawners, but also by factors such as sex ratio, temporal entry into the system, and spatial distribution within the spawning habitat;

(8) "expanding fishery" means a wild rainbow trout fishery in which effective harvesting effort has recently increased significantly beyond desired harvest

levels and where the increase has not resulted from natural fluctuations in wild rainbow trout abundance;

(9) "genetic" means those characteristics (genotypic) of an individual or group of wild rainbow trout that are expressed genetically, such as allele frequencies or other genetic markers;

(10) "habitat concern" means the degradation of wild rainbow trout habitat that results in, or can be anticipated to result in, impacts leading to a conservation, population, or benefit concern;

(11) "healthy wild rainbow trout stock" means a of wild rainbow trout stock that is able to sustain desired size compositions and abundance levels such that stocking is not required and which is characterized by fishing activities and habitat alteration, if any, that do not cause or lead to significant undesirable changes in biological productivity, biological diversity, or ecosystem structure and function, from one human generation to the next;

(12) "incidental harvest" means the harvest of fish, or other species, that is captured in addition to the target species of a fishery;

(13) "incidental mortality" means the mortality imposed on a wild rainbow trout stock other than directed fishing, and includes mortality caused by incidental harvests, interaction with fishing gear, habitat degradation, and other human-related activities;

(14) "new fishery" means a fishery that new units of effort or expansion of existing effort toward new species, areas, or time periods, results in harvest patterns substantially different from those in previous years, and the difference is not primarily the result of natural fluctuations in fish abundance;

(15) "overfishing" means a level of fishing on a wild rainbow trout stock that results in a conservation or population concern;

(16) "phenotypic characteristics" means those characteristics of an individual or group of wild rainbow trout that are expressed physically, such as body size and length at age;

(17) "rehabilitation" means efforts applied to a wild rainbow trout stock to restore it to a desired level of productivity

(18) "wild rainbow trout population" means a locally interbreeding group of wild rainbow trout that is distinguished by a distinct combination of genetic, phenotypic, life history, and habitat characteristics, comprised of an entire stock or a component portion of a stock; the smallest uniquely identifiable spawning aggregation of genetically similar wild rainbow trout used for monitoring purposes;

(19) "wild rainbow trout stock" means a locally interbreeding group of wild rainbow trout that is distinguished by a distinct combination of genetic, phenotypic, life history, and habitat characteristics or an aggregation of two or more interbreeding groups which occur within the same geographic area and is managed as a unit;

(20) "stock of concern" means a stock of wild rainbow trout for which there is a benefit, population, or conservation concern;

(21) conservation concern: a threshold level of size composition, genetic diversity, and abundance below which the ability of the wild rainbow trout stock to sustain itself is jeopardized;

(22) population concern: a threshold level of size composition, genetic diversity, and abundance below which results in a population level concern but that does not immediately jeopardize sustained yield; (**I suggest we get rid of this as we either have a biological or a benefit concern).**

(23) benefit concern: a threshold level of size composition, genetic diversity, and abundance below which the ability of the wild rainbow trout stock to maintain a desired benefit or management objective is jeopardized;

(24) benefit: any specific management goal (including, but not limited to, catch and release, desired size composition, harvest opportunity, trophy, economic, or other benefit) contained in a management plan for a wild rainbow trout stock.